

APPEAL NO. 031232
FILED JUNE 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was scheduled for June 10, 2003. The following issues were presented: (1) Is bladder incontinence a result of the compensable injury of _____? and (2) What is the impairment rating? The parties reached an agreement on these issues and the hearing officer issued a decision consistent with that agreement. The appellant (carrier's attorney) submitted a request for attorney's fees based upon written justification for the period of January 13 through March 25, 2003. The hearing officer issued a Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees, approving 21.00 hours out of 30.20 hours requested, for a total approved fee of \$2,625.00 out of \$3,775.00 requested. The hearing officer determined that the excluded fees exceeded Commission guidelines and were unreasonable. The carrier's attorney appeals the determination, essentially asserting that the billing was not excessive or unreasonable. No response was filed.

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$2,625.00. We review a hearing officer's award of attorney's fees under an abuse-of-discretion standard. Texas Workers' Compensation Commission Appeal No. 92481, decided October 21, 1992. In determining whether there has been an abuse of discretion, the Appeals Panel looks to see whether the hearing officer acted without reference to any guiding rules or principles. Texas Workers' Compensation Commission Appeal No. 951943, decided January 2, 1996, citing Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986). Section 408.222 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §§ 152.1 and 152.3 through 152.5 (Rules 152.1 and 152.3 through 152.5) govern fees paid to a carrier's attorney. In view of the record and the applicable law, we cannot conclude that the hearing officer abused her discretion in limiting the award of attorney's fees to the amount of \$2,625.00.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge